REMARKS

Claims 19-36 are pending in this application. According to the Office Action of January 21, 2009, claims 19, 23-25 and 28-29 have been examined on their merits, and stand rejected. Claims 21, 22, 24-27 and 30-36 have been withdrawn by the Examiner as directed to non-elected subject matter. Applicants expressly reserve the right to file one or more continuation or divisional application(s) directed to the non-elected subject matter that is not rejoined with this application. Specifically, the claims stand rejected as indefinite, not enabled by the specification and/or anticipated.

REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 19, 23-25 and 28-9 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, claims 19 and 25 have been rejected because the Office Action contends that "it is unclear if the patient population is or is not suffering from trauma."[1] Applicants have amended claim 19 to recite "suffering from or will suffer from a trauma". In view of this amendment, withdrawal of this rejection is respectfully requested.

Claim 19 has been rejected for its recitation of "ribose nucleobase adduct, ribose ester" because the Patent Office contends that it is unclear if the ribose nucleobase adduct and the ribose ester are alternative elements.[2] Claim 19 has been amended to recite "2-2000 mg guanosine, 0.5-40 g ribose and combinations thereof wherein the guanosine is selected from the group consisting of guanosine, guanosine salt, guanosine-5'triphosphate, guanosine ester and combinations thereof, and wherein the ribose is selected from the group consisting of ribose, ribonucleoside, ribose ester and combinations thereof." In view of this amendment, it is clear that ribonucleoside and ribose ester are alternative elements. As such, withdrawal of this rejection is respectfully requested.

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[1] Office Action at page 3.

[2] Office Action at page 3.

Claim 19 has been rejected as indefinite because it recited that there is at least 20 g/l of the digestible water soluble carbohydrate and at least 10 g/l of the digestible water soluble carbohydrate. Claim 19 has been amended to recite "at least 20 ~~g/l~~ g of the digestible water soluble carbohydrates in the form of the aqueous liquid composition containing at least 10 g/l of said digestible water soluble carbohydrates." Accordingly, withdrawal of this rejection is respectfully requested.

Claim 29 has been rejected as indefinite for its recitation of "guanosine equivalents".[3] The term "equivalents" has been deleted from claim 29. Accordingly, withdrawal of this rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 112, FIRST PARAGRAPH, ENABLEMENT

Claims 19, 23-25 and 28-29 have been rejected under 35 U.S.C. § 112, first paragraph, as not enabled by the specification. The Office Action contends that the specification does not enable one to ***prevent*** multiple organ dysfunction.[4] Applicants have replaced the recitation of "preventing" with "reducing the risk of developing". Accordingly, withdrawal of this rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 19, 23-25 and 28-29 have been rejected under 35 U.S.C. § 102(b) as anticipated by Masor.[5]

Claim 19 is directed to a method of reducing the risk of developing multiple organ dysfunction in a mammal. The method comprises identifying a mammal suffering from or will suffer a trauma. An aqueous liquid composition is administered to the mammal. The aqueous liquid comprises digestible water soluble carbohydrates and a liver guanosine-5'-triphosphate

[3] Office Action at pages 3-4

[4] Office Action at page 6.

[5] United States Patent Number 5,602,109 to Masor *et al.* ("Masor").

(GTP) increasing component within 24 hours of the occurrence of the trauma. The liver GTP increasing component is selected from the group consisting of guanosine. The guanosine is selected from the group consisting of guanosine, guanosine salt, guanosine-5' triphosphate, guanosine ester, and combinations thereof. The ribose is selected from the group consisting of ribose, ribonucleosides, ribose ester, and combinations thereof.

Masor is directed to enhancing the immune system of a human via infant formulae.[6] This reference also does not disclose using the recited composition to reduce the risk of developing multiple organ dysfunction, or identifying a mammal who is suffering from or will suffer from a trauma.

In order for a reference to anticipate a claimed invention, it must teach each and every limitation recited in the claim. In this case, Masor fails to teach using the recited composition to reduce the risk of developing multiple organ dysfunction, or identifying a mammal who is suffering from or will suffer from a trauma.

The Patent Office contends that although "Masor is directed to enhancing the immune system and is not disclosed to prevent multiple organ dysfunction, it is noted that the active step of the instant claims is administering a particular composition. The intended use for the administration does not take away from the fact that the composition was administered."[7] Claim 19 has been amended to recite "identifying an individual suffering from or will suffer from a trauma." Masor does not teach this step. Accordingly, the claimed invention is novel over Masor.

For these reasons, Applicants respectfully request reconsideration and withdrawal of these rejections.

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[6] Masor at abstract.

[7] Office Action at page 14.

REQUEST FOR REJOINDER

Applicants respectfully request that claims 20, and 24-27, which are drawn to non-elected species, be examined and allowed because claim 19 is a generic claim that encompasses that species recited in claims 20 and 24-27, and because claim 19 is in condition for allowance.[8] The Applicants further request that the non-elected claims 30-36 be rejoined.[9]

CONCLUSION

In view of these amendments and remarks, Applicants respectfully request that the objections and rejections be reconsidered and withdrawn, that claims 19, 21-23 and 28-29 be allowed, and that claims 20, 24-27 and 30-36 be rejoined.

Respectfully submitted,

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[8] See MPEP § 809.02(a).

[9] See MPEP § 821.04.